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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.4.2006

C O R A M :

THE HONOURABLE MR. JUSTICE P. SATHASIVAM
AND
THE HONOURABLE MR. JUSTICE J.A.K.SAMPATH KUMAR

H.C.P.NO.26 of 2006

N.Selvi .. Petitioner

-Vs.-

1. The Secretary to Government,
   Prohibition and Excise Department,
   Government of Tamil Nadu,
   Fort St.George, Chennai-9.

2. The Commissioner of Police,
   Greater Chennai,
   Chennai-8.

3. The Inspector of Police,
   P-5, M.K.B.Nagar Police Station,
   Chennai. .. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents to produce the detenu namely Nagooran @ Nagoor Meeran, son of Pitchai Rowthar before this Court, who is detained as per the order of detention passed by the second respondent in No.209/BDFGISV/2005, dated 10.5.2005 and confined at Central Prison, Chennai and set him at liberty and for further direction to call for the records relating to the above said order and set aside the same.

For Petitioner : Mr.P.Ram Manohar

For Respondents : Mr.Abudukumar Rajarathinam
Government Advocate (Crl. Side)

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O R D E R

(ORDER OF THE COURT WAS MADE BY P.SATHASIVAM, J.)

The petitioner, the wife of the detenu, by name, Nagooran @ Nagoor Meeran, who was detained as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Boot-leggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) by the impugned order, dated 10.5.2005, challenges the same in this petition.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

3. The learned counsel appearing for the petitioner has raised the only contention that the representation of the petitioner, dated 13.5.2005 was not properly considered, which vitiates the ultimate order of detention.

4. As against the said contention, the learned Government Advocate brought to our notice that the said representation was addressed to the Government and the same was forwarded to the detaining authority, since the said representation was made before approval by the Government. The reply of the detaining authority, dated 20.5.2005 shows that the grievance expressed by the petitioner has been duly considered, for example, in the representation it is stated that the detention order was passed at the instance of one local rowdy and also at the instance of a prominent politician. This was specifically referred to and considered by the detaining authority. Likewise, the other grievance of the petitioner is that at the time of arrest, the detenu was beaten by the police persons in the police station. In the reply, the detaining authority specifically denied the said allegation. In fact when the detenu was produced before the learned Magistrate for remand, the learned Magistrate after recording that no complaint against the police, remanded him till 13.5.2005.

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5. In such circumstances, we are satisfied that the detaining authority considered all the grievance expressed in the representation, dated 13.5.2005. We do not find any substance in the contention raised by the learned counsel for the petitioner. Consequently, this Habeas Corpus Petition fails and the same is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

js

To

1. The Secretary to Government,
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai-9.

2. The Commissioner of Police,
Greater Chennai, Chennai-8.

3. The Inspector of Police,
P-5, M.K.B. Nagar Police Station,
Chennai.

4. The Superintendent,
Central Prison, Chennai (in duplicate
for communication to detenu).

5. The Public Prosecutor
High Court, Madras.

6. The Joint Secretary to Government
Public (law and order) Department,
Fort, St. George, Chennai-9.

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